

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q78609

Katsura ITO, et al.

Appln. No.: 10/725,327

Group Art Unit: 1754

Confirmation No.: 2696

Examiner: NGUYEN, Cam N.

Filed: December 2, 2003

For: PHOTOCATALYTIC POWDER, PHOTOCATALYTIC SLURRY, AND POLYMER COMPOSITION, COATING AGENT, PHOTOCATALYTIC FUNCTIONAL MOLDED ARTICLE AND PHOTOCATALYTIC FUNCTIONAL STRUCTURE USING THE POWDER

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Masayuki SANBAYASHI, hereby declare and state:

THAT I am a citizen of Japan;

THAT I graduated from the Department of Metallurgy, Graduate School of Engineering, Tohoku University;

THAT I began my employment with SHOWA DENKO K.K. in 1988, where I worked in Development of Ceramics Products from 1988 to 1994, in Development for Super High Pressure Products from 1994 to 1997, in Development for Grinding Material Products from 1997 to 1999, in Development of Photo Catalyst Products from 1999 until the present, and I moved to SHOWA TITANIUM CO., LTD. in 2001, where I currently hold the position of R&D Group Leader; and

THAT I am familiar with the prosecution of this application, including the final Office Action mailed August 21, 2006.

I declare that the photocatalytic powder of Example 1 of U.S. Patent 6,479,141 ("Sanbayashi et al") does not contain titanium dioxide fine particles wherein the fine particles have an electrokinetic potential of from about -100 mV to -10 mV in an aqueous environment at pH 5.

As evidence, the following experiment was performed by me and/or under my supervision.

A coating composition was prepared by the method of Example 1 of U.S. Patent 6,479,141 to Sanbayashi et al. The pH of the obtained coating composition was 2.

The electrokinetic potential was then evaluated in the same manner as set forth in the present specification. The pH of the coating composition was adjusted to 5 by ammonia solution. A part of the composition was sampled and measured on the electrokinetic potential using the commercially available electrokinetic potential measuring apparatus DELSA440 (manufactured by Beckman Coulter, Inc.) and found to be +37.8 mV.

The measured result of 37.8 mV is not within the range of the -100 mV to -10 mV in claim 2 of the present application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 16, 2007

Masayuki Sanbayashi
Masayuki SANBAYASHI